
**Agriculture & Natural Resources
Committee**

HB 1334

Brief Description: Concerning water resource management on the Columbia and Snake rivers.

Sponsors: Representatives Blake, Chandler, Haler, Van De Wege, Ericks, Hinkle, Warnick, Schmick, Condotta, Kretz, Ormsby, Smith, Kessler, Newhouse, Walsh, Nelson, Pearson, Moeller and Short.

Brief Summary of Bill

- Defines "conservation operation and maintenance savings" to include certain past, present, or future water savings.
- Allows a point of diversion, place of use, and purpose of use to be seasonally changed and transferred to any other land or place of use without loss of priority.
- Exempts water rights, or portions of water rights, from relinquishment if the right or portion of the right consists of past, current, or future reduced annual diversions or withdrawals of irrigation water from the Columbia River mainstem or the Lower Snake River mainstem as a result of conservation operation and maintenance savings.
- Requires the Department of Ecology to aggressively pursue the development of storage, conservation, and other actions to provide water supplies to benefit both instream and out-of-stream uses.

Hearing Date: 1/29/09

Staff: Jaclyn Ford (786-7339)

Background:

State Water Law. Washington water law is based on the prior appropriation doctrine. The doctrine, known as "first in time is first in right," creates a priority system based on the date of use or intent to use water. In times of water shortage, more senior water rights may be exercised

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to the fullest extent while use of water under more junior rights may be reduced or prohibited.

A water right has several elements that define the right or place limits on water use under the right. These elements include the water right's priority, quantity, time of the year water may be withdrawn, point of diversion, purpose of use, and place of use. State statutes include requirements for specifying each of these elements in a water right permit or certificate and provide a process for changing certain elements of the water right, such as the place or purpose of use.

Water users may make a seasonal or temporary change of point of diversion or place of use of water when the change can be made without detriment to existing rights. Such a seasonal or temporary change requires the permission of the DOE or the local water master. With such approval, water users who own the land to which the water rights are attached may also rotate the use of the water when the rotation can be accomplished without detriment to other existing water rights.

The DOE may allow modification of the point of diversion to a downstream intake structure when a modification will provide both environmental and water supply benefits. The structure must also be located downstream, have an existing approved intake structure with capacity to transport the additional diversion, and have the same ownership, purpose of use, season of use, and place of use.

Columbia River Basin Water Supply Act. In 2006, the Legislature enacted the Columbia River Basin Water Supply Act relating to water resource management in the Columbia River basin. A priority of this act is the development of new water supplies that includes storage and conservation for the economic and community development needs of people, as well as the instream flow needs of fish.

Summary of Bill:

The DOE must aggressively pursue the development of storage, conservation, and other actions to provide water supplies to benefit both instream and out-of-stream uses.

A point of diversion, place of use, and purpose of use may be seasonally changed and transferred to any other land or place of use without loss of priority.

Water rights, or portions of water rights, are not subject to relinquishment if the right or portion of the right consists of past, current, or future reduced annual diversions or withdrawals of irrigation water from the Columbia River mainstem or the Lower Snake River mainstem as a result of conservation operation and maintenance savings.

"Conservation operation and maintenance savings" includes any past, present, or future water savings, including savings achieved under voluntary regional agreements, use of soil moisture and monitoring probes, weather forecast and crop use data, irrigation scheduling, and other seasonal water management practices. However, savings do not include those savings achieved through fixed capital investments such as higher efficiency irrigation systems, canal linings, pipe conversions or modifications.

Water savings must be measured by the real-time reduction in water withdrawals from the water saving techniques, as long as the water savings are no less than 10 percent of the pre-practice usage.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect immediately.